

# UNITED STATES DISTRICT COURT

## Eastern District of New York

United States of America

- v -

Kavanaugh WigginsPresiding Judge: Joanna Seybert, Senior U.S.D.J.Case No(s): 21-cr-0452-JS-SILDate: 9/6/2022Time in Court: 11:40 (15 mins.)

### MINUTE ENTRY FOR A CRIMINAL PROCEEDING

SEALED PROCEEDING: ☐ Yes ☒ No

#### I. APPEARANCES:

Defendant (# 6): Kavanaugh Wiggins☒ Present ☐ Not Present ☒ In Custody ☐ On Bond ☐ SurrenderedCounsel: Anthony LaPinta☐ Retained ☐ Federal Defender ☒ CJA ☐

Defendant (# \_\_\_\_\_): \_\_\_\_\_

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel: \_\_\_\_\_

☐ Retained ☐ Federal Defender ☐ CJA ☐

Defendant (# \_\_\_\_\_): \_\_\_\_\_

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel: \_\_\_\_\_

☐ Retained ☐ Federal Defender ☐ CJA ☐

Defendant (# \_\_\_\_\_): \_\_\_\_\_

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel: \_\_\_\_\_

☐ Retained ☐ Federal Defender ☐ CJA ☐Government: Andrew WenzelCourt Reporter: Mary Ann Steiger

Pretrial/Probation: \_\_\_\_\_

FTR Time: \_\_\_\_\_

Interpreter: \_\_\_\_\_ Language: \_\_\_\_\_

Courtroom Deputy: Eric L. Russo☐ See Additional Appearances page.

#### II. PROCEEDINGS HELD:

☐ Arraignment☐ Evidentiary Hearing☐ Plea Hearing☐ Bond Hearing☐ Fatico Hearing☐ Sentencing/Re-Sentencing☐ Curcio Hearing☐ Initial Appearance☒ Status/Pre-Trial Conference☐ Detention Hearing☐ Motion Hearing☐ Other: \_\_\_\_\_

#### III. PROCEEDINGS SUMMARY:

☐ Arraignment held regarding \_\_\_\_\_.☐ Defendant \_\_\_\_\_ initial appearance before this Court.☐ Defendant \_\_\_\_\_ waived Indictment.☐ Defendant \_\_\_\_\_ waived the public reading of the charging instrument.☐ The Court publicly read the charges outlined in the charging instrument.☐ Defendant \_\_\_\_\_ entered a plea of not guilty as to all counts of the charging instrument.☐ The Government was advised of its obligation under Rule 5(f) of the F.R.Cr.P. and the Due Process Protections Act.☐ Defendant \_\_\_\_\_ waived Speedy Trial from \_\_\_\_\_.☐ Defendant \_\_\_\_\_ did not waive Speedy Trial.☐ Defendant \_\_\_\_\_ Speedy Trial was waived from \_\_\_\_\_ by order of the Court.☐ The Court deemed this case complex.☐ See Section V for additional details and/or rulings.

- ☐ Curcio Hearing held.
- ☐ The parties presented their oral arguments to the Court.
  - ☐ The defendant was informed of the potential dangers arising from any conflicts of interest.
  - ☐ The defendant understood and waived any potential conflicts of interest and wishes to proceed with current counsel.
  - ☐ The defendant wishes to relieve current counsel and retain new counsel or have new counsel appointed by the Court.
  - ☐ See Section V for additional details and/or rulings.
- ☒ Status/Pre-Trial Conference held regarding the charges outlined in the Indictment filed 9/29/2021.
- ☐ This was an initial appearance before this Court by Defendant \_\_\_\_\_.
  - ☒ The parties advised the Court of the status of the case.
  - ☒ Defendant 6 waived Speedy Trial from 9/6/2022 to 10/7/2022.
  - ☐ Defendant \_\_\_\_\_ did not waive Speedy Trial.
  - ☐ Defendant \_\_\_\_\_ Speedy Trial was waived from \_\_\_\_\_ by order of the Court.
  - ☒ The Court deemed this case complex.
  - ☐ The following briefing schedule was set as to \_\_\_\_\_:
    - ☐ \_\_\_\_\_ due by: \_\_\_\_\_.
    - ☐ \_\_\_\_\_ due by: \_\_\_\_\_.
    - ☐ \_\_\_\_\_ due by: \_\_\_\_\_.
    - ☐ \_\_\_\_\_ due by: \_\_\_\_\_.
  - ☐ The parties were directed to file a proposed briefing schedule for court approval on or before \_\_\_\_\_.
  - ☐ The parties agreed to file fully briefed motion(s) on or before \_\_\_\_\_.
  - ☐ The Court respectively refers the motion(s) to Magistrate Judge \_\_\_\_\_:
    - ☐ for purposes of submitting a Report and Recommendation for this Court's consideration.
    - ☐ to rule on the motion(s) in its entirety.
  - ☐ The parties were directed to file and/or exchange the following jury selection/pre-trial documents:
    - ☐ Exhibits and witness list by: \_\_\_\_\_.
    - ☐ Proposed voir dire and/or case summary by: \_\_\_\_\_.
    - ☐ Proposed request to charge and verdict sheet by: \_\_\_\_\_.
    - ☐ Government's 3500 material by: \_\_\_\_\_.
  - ☐ The Court's decision ☐ was entered on the record; ☐ will be entered under a separate order.
  - ☐ See Section V for additional details and/or rulings.
- ☐ Evidentiary Hearing/Motion Hearing held regarding \_\_\_\_\_.
- ☐ The parties presented their oral arguments to the Court.
  - ☐ Witness(es) were called ☐ for the Government; ☐ for the defendant(s).
  - ☐ Exhibits were entered into evidence.
  - ☐ The Court made the following ruling(s):
    - ☐ Motion granted as to \_\_\_\_\_.
    - ☐ Motion denied as to \_\_\_\_\_.
    - ☐ Motion granted, in part, and denied, in part, as to \_\_\_\_\_.
    - ☐ Decision reserved on \_\_\_\_\_.
  - ☐ The Court's decision ☐ was entered on the record; ☐ will be entered under a separate order.
  - ☐ See Section V for additional details and/or rulings.
- ☐ Plea Hearing held.
- ☐ The defendant was informed of the constitutional rights being waived and the consequences of pleading guilty.
  - ☐ The defendant withdrew previously entered not guilty plea and entered a plea of guilty to count(s) \_\_\_\_\_.
  - ☐ Court found that there is a factual basis for the plea and accepted the defendant's plea of guilty.
  - ☐ An Order of Forfeiture was executed.
  - ☐ The Conviction Notification Form was executed and sent to the U.S. Probation Department.
  - ☐ The parties waived the preparation of the Presentence Investigation Report.
  - ☐ See Section V for additional details and/or rulings.

- ☐ Fatico Hearing held.
- ☐ The parties presented their oral arguments to the Court.
  - ☐ Witness(es) were called ☐ for the Government; ☐ for the defendant(s).
  - ☐ Exhibits were entered into evidence.
  - ☐ The Court's decision ☐ was entered on the record; ☐ will be entered under a separate order; ☐ was reserved.
  - ☐ Sentencing was held immediately following the hearing.
  - ☐ See Section V for additional details and/or rulings.
- ☐ Sentencing/Re-Sentencing held as to count(s) \_\_\_\_\_.
- ☐ Statements were heard from ☐ defense counsel; ☐ the defendant; ☐ the Government; ☐ the victim(s).
  - ☐ The defendant was sentenced to be imprisoned for a total term of \_\_\_\_\_.
  - ☐ Upon release, the defendant shall be on Supervised Release for a total term of \_\_\_\_\_.
  - ☐ The defendant shall comply with all standard conditions of supervision, to be outlined in the judgment.
  - ☐ The defendant shall comply with the special conditions of supervision, outlined in the sentencing recommendation.
  - ☐ The Court did not impose a term of Supervised Release.
  - ☐ The defendant was sentenced to Probation for a total term of \_\_\_\_\_.
  - ☐ The defendant shall comply with all standard conditions of supervision, to be outlined in the judgment.
  - ☐ The defendant shall comply with the special conditions of supervision, outlined in the sentencing recommendation.
  - ☐ The defendant must pay the following criminal monetary penalties:
    - ☐ Restitution in the amount of \$ \_\_\_\_\_.
    - ☐ A fine in the amount of \$ \_\_\_\_\_.
    - ☐ A Special Assessment fine in the amount of \$ \_\_\_\_\_.
    - ☐ The defendant must pay interest on the restitution and/or fine ordered of more than \$2,500.00.
    - ☐ The Court determined that the defendant does not have the ability to pay interest and it was ordered that:
      - ☐ the interest requirement is waived.
      - ☐ the interest requirement is modified as stated on the record.
    - ☐ Interest on any of the criminal monetary penalties was not ordered or not applicable.
  - ☐ Restitution:
    - ☐ was not ordered or not applicable.
    - ☐ was paid in full.
  - ☐ A fine:
    - ☐ was not ordered or not applicable.
    - ☐ was paid in full.
  - ☐ The determination of restitution and/or a fine was deferred pending further proceedings.
  - ☐ All other conditions shall remain in effect as outlined in the previous judgment(s) dated \_\_\_\_\_.
  - ☐ The Order of Forfeiture dated \_\_\_\_\_ was adopted as the Final Order of Forfeiture.
  - ☐ A Final Order of Forfeiture was executed.
  - ☐ The defendant:
    - ☐ was advised of, or will be advised of, any right to appeal by counsel.
    - ☐ has waived the right to appeal at the plea hearing.
  - ☐ All open counts in the charging instrument(s) were dismissed on the motion of the United States.
  - ☐ See Section V for additional details and/or rulings.

**IV. RULINGS MADE REGARDING DEFENDANT RELEASE STATUS:**

- ☐ Bond Hearing/Detention Hearing held.
- ☐ Defendant \_\_\_\_\_ did not present a bond application to the Court.
    - ☐ An Order of Detention was executed as to Defendant \_\_\_\_\_.
    - ☐ An Order Scheduling a Detention Hearing was executed as to Defendant \_\_\_\_\_.
  - ☐ The bond application/modification was granted as to Defendant \_\_\_\_\_.
    - ☐ An Order Setting Conditions of Release and Bond was executed as to Defendant \_\_\_\_\_.
    - ☐ The conditions of release were modified as stated on the record as to Defendant \_\_\_\_\_.
      - ☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant \_\_\_\_\_.
  - ☐ The bond application/modification was denied as to Defendant \_\_\_\_\_.
    - ☐ An Order of Detention was executed as to Defendant \_\_\_\_\_.
  - ☐ The Government moved for immediate detention of Defendant \_\_\_\_\_.
    - ☐ The motion was ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
    - ☐ An Arrest Warrant was executed as to Defendant \_\_\_\_\_.
    - ☐ An Order of Detention was executed as to Defendant \_\_\_\_\_.
    - ☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant \_\_\_\_\_.
  - ☐ The decision regarding the bond or detention application was reserved.
    - ☐ An Arrest Warrant was executed as to Defendant \_\_\_\_\_.
    - ☐ An Order Scheduling a Detention Hearing was executed as to Defendant \_\_\_\_\_.
    - ☐ A temporary Order Setting Conditions of Release and Bond was executed as to Defendant \_\_\_\_\_.
  - ☐ See Section V for additional details and/or rulings.
- ☒ Defendant 6 remain(s) in custody.
- ☐ A Medical Evaluation Order was executed as to Defendant \_\_\_\_\_.
- ☐ Defendant \_\_\_\_\_ remain(s) on bond.
- ☐ The defendant, being sentenced to term of imprisonment, shall be immediately remanded to the custody of the U.S. Marshals Service and/or the Federal Bureau of Prisons.
- ☐ The defendant, being sentenced to a term of imprisonment, shall surrender for the service of the sentence before 2:00 PM on \_\_\_\_\_ at the institution designated by the Federal Bureau of Prisons. The defendant will remain on bond, under the supervision of Pretrial Services, until the surrender date. Motions to extend of this surrender date must be made at least a forty-five (45) days prior to the surrender date.
- ☐ The U.S. Marshals Voluntary Surrender form was executed.
- ☐ The defendant, being sentenced to a term of probation, was directed to report to the U.S. Probation Department. The defendant will remain on bond, and under the supervision of the U.S. Probation Department, with the conditions set forth during sentencing until the completion of the ordered term of probation.
- ☐ The defendant, being sentenced to time served, shall be released forthwith pending the appropriate release procedures by the U.S. Marshals Service, Federal Bureau of Prisons, and/or the facility in which the defendant resides.
- ☐ A Time Served Order was executed and submitted to the U.S. Marshals Service.
  - ☐ The defendant was directed to report to the U.S. Probation Department upon release. The defendant will be under the supervision of the U.S. Probation Department, with the conditions set forth during sentencing until the completion of the ordered term of Supervised Release.

**V. OTHER RULINGS MADE DURING THE PROCEEDINGS:**

☐ The record of this proceeding was deemed sealed. Transcripts of this proceeding can be made available to the Court, the defendant(s), defense counsel, and the Government only.

☐ Other:

**VI. FURTHER PROCEEDINGS SET:**

☐ No further conferences or hearings have been set at this time.

☐ Bond Hearing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_, as to Defendant \_\_\_\_\_.

☐ Curcio Hearing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_, as to Defendant \_\_\_\_\_.

☐ Detention Hearing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_, as to Defendant \_\_\_\_\_.

☐ Evidentiary Hearing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_, as to Defendant \_\_\_\_\_.

☐ Fatico Hearing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_, as to Defendant \_\_\_\_\_.

☐ Jury Selection: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_, as to Defendant \_\_\_\_\_.

☐ Jury Trial: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_, as to Defendant \_\_\_\_\_.

☐ Motion Hearing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_, as to Defendant \_\_\_\_\_.

☐ Plea Hearing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_, as to Defendant \_\_\_\_\_.

☐ Preliminary Hearing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_, as to Defendant \_\_\_\_\_.

☐ Sentencing/Re-Sentencing: \_\_\_\_\_ at \_\_\_\_\_ before Judge \_\_\_\_\_, as to Defendant \_\_\_\_\_.

☐ Parties are directed to file their sentencing memorandums by \_\_\_\_\_.

☒ Status/Pre-Trial Conference: **10/7/2022** at **9:00 AM** before Judge **Joanna Seybert** **by telephone (see below)**, as to Defendant **6**.

☒ Other instructions regarding the proceedings set:

- The conference will be held via the Court's teleconferencing system. Parties are directed to dial the following telephone number at the designated time: 877-336-1839, access code 7231185.